

)	
CHARLES H. LEE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:12-cv-02230-JTF-tmp
)	
SWIFT TRANSPORTATION)	
COMPANY OF ARIZONA, LLC,)	
)	
Defendant.)	
)	

Before the Court is Defendant Swift Transportation Company of Arizona, LLC's Motion for Summary Judgment, filed on July 12, 2013. (D.E. #37). On October 3, 2013, Plaintiff Charles H. Lee filed his Response to Defendant's Motion for Summary Judgment. (D.E. #44). Defendant filed a Reply to Plaintiff's Response on October 19, 2013. (D.E. #45). On April 2, 2013, this case was referred to the Magistrate, pursuant to 28 U.S.C. §§631-39. On December 12, 2013, the Magistrate entered a Report and Recommendation, recommending that Defendant's Motion for Summary Judgment be granted. (D.E. #46). Plaintiff filed his Objections to the Report and Recommendation on December 30, 2013. (D.E. #47).

1

Recommendation Denying Plaintiff's Motion. Therefore, Defendant's Motion for Summary Judgment is GRANTED.

I. LEGAL STANDARD

A district judge has the discretion to refer dispositive matters to a magistrate judge to conduct a hearing and propose findings of fact and recommendations. 28 U.S.C. § 636(b)(1)(B) (“[A] judge may also designate a magistrate judge to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by the judge of court, of any motion excepted in subparagraph (A) [for which a motion for summary judgment, judgment on the pleadings, motion to dismiss, etc. are included]”). The district court judge has the authority to review the magistrate judge's proposed findings of fact and recommendations under a *de novo* determination. *See* 28 U.S.C. § 636(b)(1)(C); *See e.g. Baker v. Peterson*, 67 Fed.App'x. 308, 311, 2003 WL 21321184 (6th Cir. 2003) (“A district court normally applies a ‘clearly erroneous or contrary to law’ standard of review for nondispositive preliminary measures. A district court must review dispositive motions under the *de novo* standard.”); *U.S. v. Raddatz*, 447 U.S. 667,676 (1980) (quoting *Matthews v. Weber*, 423 U.S. 261, 275 (1976) (“in providing for a ‘*de novo* determination’ Congress intended to permit whatever reliance a district judge, in the exercise of sound judicial discretion, chose to place on a magistrate's proposed findings and recommendations.”))

II. ANALYSIS

The Magistrate Judge properly found that Defendant's Motion for Summary Judgment should be granted. The Magistrate correctly analyzed Defendant's Motion by determining that (1) Plaintiff failed to meet his burden on his age discrimination claim; (b) Plaintiff failed to meet

his burden on his disability discrimination claim; and (c) Plaintiff failed to meet his burden on his retaliation claim.

In his response¹ to the Magistrate Judge's Report and Recommendation, Defendant fails to comply with the requirements of an unsworn statement under 28 U.S.C. § 1746. Plaintiff simply narrates his age, disability, and retaliation claims for the Court in an unsworn, unsupported statement. Plaintiff does not raise any objections as to the legal reasoning or conclusions of the Magistrate's recommendation. Plaintiff's reiteration of his unsupported claims against Defendant does not provide a basis for which this Court should not adopt the Magistrate's recommendation. Without any substantive objections, this Court finds the Magistrate's legal conclusions to be persuasive and correct. Therefore, Plaintiff's objection is **OVERRULED**.

III. CONCLUSION

For the reasons set forth above, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation and **GRANTS** Defendant's Motion for Summary Judgment. Therefore, this case is hereby **DISMISSED** with prejudice.

IT IS SO ORDERED this 6th day of March, 2014.

BY THIS COURT:

s/John T. Fowlkes, Jr.
JOHN T. FOWLKES, JR.
United States District Judge

¹ Plaintiff entitled his objections to the Magistrate's Report and Recommendation as "In Response to Defendant's Report and Recommendation" and states that he "objects to Defendant's motion for Summary Judgment." (D.E. #47, at 1).